

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building (Near to Rose Garden)

Sector-16, Chandigarh

Contact No. 0172-2864115, Fax No. 0172-2864125

Visit us @ www.infocommpunjab.com, Email-ID psic25@punjabmail.gov.in

Ms. Rajbir Kaur (9592476814)

W/o Sh. Sukhpreet Singh,
Near Civil Hospital, VPO Attari,
Distt. Amritsar.

Complainant

Versus

Public Information Officer

O/o SCERT, Punjab,
Chandigarh

Respondent

Complaint Case No.: 934 of 2018

Present: Nobody on the behalf of complainant.
Sh. Gurdeep Singh, Clerk, (88721-90247) present on the behalf of respondent
PIO.

ORDER

1. This order may be read with the reference of previous order dated 18.12.2018.
2. Complainant is absent for today's hearing but a letter from complainant has been received in the Commission vide diary no. 1784 date 22.01.2019 mentioning therein that requisite information that relates with point no. 1, 2 & 3 of RTI application has been received by her and is satisfied with it. It is further added therein, the information that relates with point no. 4 has not been received till date. This letter is taken on record.
3. Sh. Gurdeep Singh, the respondent states that information that relates with point no. 1, 2 & 3 has been sent through registered post to the complainant and submits a copy of said receipt of registered post to the Commission which is taken on record, and information that relates with point no. 4 has not been received from the office of C-DAC, Mohali as mentioned in previous order dated 18.12.2018. He further assures that once the information is retrieved from C-DAC, Mohali, it will be provided to the complainant.
4. After hearing the respondent and examining the case file, respondent PIO is directed to supply the pending information that relates with point no. 04, through registered post to the complainant once it is received from the concerned office i.e. C-DAC Mohali along with directions to acknowledgement to the Commission in this regard.
5. Matter is adjourned for further hearing on **20.02.2019 at 11:30 A.M.**
6. Announced in the Court, copy of the order to be sent to the parties.

Chandigarh
Date: 23.01.2019

(Dr. Pawan Kumar Singla)
State Information Commissioner

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Dr. Sandeep Kumar Gupta (9992931181)

House No. 1722, Sector-14,
Hisar-125001.

Complainant

Versus

Public Information Officer

O/o Addl. Chief Secretary,
Department of Animal Husbandry,
Fisheries and Dairy Department,
Punjab, Chandigarh

Respondent

Complaint Case No.: 964 of 2018

Present: Nobody on the behalf of complainant.
Sh. K.P.S. Pasricha, APIO (98140-14860) present as a respondent.

ORDER

1. This order may be read with the reference of previous order dated 18.12.2018.
2. Complainant is absent for today's hearing but an email from appellant has been received in the Commission from email id drsandgupta@gmail.com on 21.01.2019 requesting therein for his exemption in today's hearing due to personal reasons and also mentioning therein that requisite information has not been provided till date. This email is taken on record.
3. Sh. K.P.S. Pasricha, the respondent states and submits a letter with ਮੀਮੇ ਨੰ: 16/20/2018-੫੫- 1(9)/387 dated 23.01.2018 signed by PIO cum Superintendent Grade I mentioning therein that requisite information cannot be provided as it relates with third party and no public interest is shown by the complainant. This letter is taken on record. He further added that letter no. 6007 dated 18.12.2018 signed by PIO cum Superintendent Grade I as reference in previous order dated 18.1.2.2018 was sent through ordinary post to the complainant.
4. After hearing the respondent and examining the case file, respondent PIO is directed to send the requisite information and/or written reply (as mentioned above in point 3 of this order) through registered post to the complainant by the next date of hearing and present the copy of receipt of said registered post on next date of hearing; failing to which action under section 20(1) of RTI would be initiated against the respondent PIO.
5. Matter is adjourned for further hearing on **20.02.2019 at 11:30 A.M.**
6. Announced in the Court, copy of the order to be sent to the parties.

Chandigarh
Date: 23.01.2019

Sd/-
(Dr. Pawan Kumar Singla)
State Information Commissioner

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Sh. Gurmeet Singh

S/o Shri Gurcharan Singh, Chowk No. 3,
Bathinda Road, Jaiton.

Appellant

Versus

Public Information Officer

O/o Executive Officer, MC, Jaiton.

First Appellate Authority

O/o Deputy Director, Local Government,
Mini Secretariat, Ferozpur.

Respondents

Appeal Case No. 1051 of 2018

Present:

Nobody on the behalf of appellant.

Sh. Rajnish Sood, PIO cum EO, Jaiton (97804-10300) present as a respondent.

ORDER

1. This order may be read with the reference of previous order dated 17.12.2018.
2. Appellant is absent for today's hearing but a letter from appellant has been received in the Commission vide diary no. 1720 dated 21.01.2019 requesting therein for his exemption in today's hearing due to personal reasons and also mentioning therein that pending requisite information has not been provided till date. This letter is taken on record.
3. Sh. Rajnish Sood, PIO cum EO, Jaiton states and submits copy of point-wise pending requisite information along with a covering letter dated 21.01.2019 addressed towards the appellant to hand it over to the appellant but the appellant is absent. The copy of said documents is taken on record.
4. After hearing the respondent and examining the case file, respondent PIO is directed to send the pending requisite information and/or written reply (as mentioned above in point 3 of this order) through registered post to the appellant by the next date of hearing and present the copy of receipt of said registered post on next date of hearing; failing to which action under section 20(1) of RTI would be initiated against the respondent PIO. The appellant is also advised to point out deficiencies, if any in the pending information sent as mentioned above in point no. 3 of this order by the next date of hearing, failing to which ex-parte decision may be taken.
5. Matter is adjourned for further hearing on **20.02.2019 at 11:30 A.M.**
6. Announced in the Court, copy of the order to be sent to the parties.

Chandigarh

Date: 23.01.2019

Sd/-

(Dr. Pawan Kumar Singla)
State Information Commissioner

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Capt. P.S. Sodhi (9888892626)

#20 B, Shantipur, Jalandhar.

Appellant

Versus

Public Information Officer

O/o MC, Jalandhar

First Appellate Authority

O/o Commissioner, MC,
Jalandhar.

Respondent

Appeal Case No.: 3033 of 2018

Date of Institution: 05.09.2018

Date of Decision: 23.01.2019

Present:

Nobody on the behalf of appellant.

Sh. Gurmish Singh, Clerk (84273-55639), present on the behalf of respondent
PIO.

ORDER

1. This order may be read with the reference of previous order dated 18.12.2018.
2. Sh. Gurmish Singh, Clerk sustained his submission as recorded on previous hearing dated 18.12.2018, stating that the appellant was asked to provide the ID Number/Account Number and complete address of the consumers, to their office so that the requisite information may be provided to the appellant but the appellant has not provided the same to respondent's office till date.
3. Appellant is absent for today's hearing second time, without any intimation to the Commission and nor did he file any reply in this regard or provided the ID Number/Account Number and complete address of the consumers to the respondent's office as mentioned above in point no. 2 of this order. He was also absent on previous hearing dated 18.12.2018.
4. After hearing the respondent and examining the case file, it is found that the appellant failed to grab the opportunity and/or to represent this case to clear the facts of this case as advised in previous hearing dated 18.12.2018 and hence the case is decided on merit basis and in view of this the above, the instant appeal case is **disposed of and closed**.
5. Announced in the Court, copy of the order to be sent to the parties.

Chandigarh
Date: 23.01.2019

Sd/-
(Dr. Pawan Kumar Singla)
State Information Commissioner

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Ms. Bano Devi W/o Sh. Tahal Singh
Village Theh Banhera, Tehsil Guhla,
District Kaithal.

Appellant

Versus

Public Information Officer
O/o Commissioner, Jalandhar Division,
Jalandhar

First Appellate Authority
O/o Commissioner, Jalandhar Division,
Jalandhar.

Respondent

Appeal Case No.: 3058 of 2018

Present: Nobody on the behalf of appellant.
Sh. Manjit Ram, record keeper (99141-46602) present on the behalf of
respondent PIO.

ORDER

1. This order may be read with the reference of previous order dated 18.12.2018.
2. Sh. Manjit Ram, record keeper states that requisite information has already been supplied to the appellant as mentioned in order of previous hearing dated 18.12.2018.
3. Appellant is absent for today's hearing but two letters have been received in the Commission vide diary no. 605 dated 04.01.2019 & 1496 date 18.01.2019 respectively, mentioning therein that the respondent has not provided information on time and/or denied to provide information to the appellant and also requesting therein for exemption of appellant's presence on today's hearing. These letters are taken on record. Appellant was also absent on previous hearing dated 18.12.2018.
4. On previous hearing dated 18.12.2018, the appellant, was given another opportunity to represent this case on today's hearing to clear the facts of this case along with advice to go through the supplied information and point out the deficiency, if any, in the supplied information, failing to which case will be decided on merit basis but she failed to do so.
5. After hearing the respondent and examining the case file, one more opportunity is given to the appellant, Ms. Bano Devi to **represent this case** in person or through her representative(s) on the next date of hearing **to clear the facts** of this case along with advice to go through the supplied information and **point out the deficiencies specifically and point wise**, if any, in the supplied information, failing to which case will be decided on merit basis.
6. Matter is adjourned for further hearing on **20.02.2019 at 11:30 A.M.**
7. Announced in the Court, copy of the order to be sent to the parties.

Chandigarh
Date: 23.01.2019

Sd/-
(Dr. Pawan Kumar Singla)
State Information Commissioner

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Sh. Harinder Pal Singh (98153-44250)

Sr. Vice President,
Private School Association,
Nabha-147201.

Appellant

Versus

Public Information Officer

O/o DEO (SE), Patiala

First Appellate Authority

O/o DPI, SAS Nagar (Mohali).

Respondent

Appeal Case No.: 3098 of 2018

Present: Nobody present.

ORDER

1. This order may be read with reference of previous order dated 18.12.2018.
2. On previous hearing dated 18.12.2018, another opportunity was given to the respondent PIO to supply the requisite information and/or file a written reply satisfying the RTI application by today's hearing along with directions to bring a copy of the same on today's hearing to present before the Commission and also respondent PIO was directed to represent this case in person on today's hearing but he failed to do so.
3. After going through the documents placed on record, one more opportunity is given to the respondent PIO to supply the requisite information/file a written reply satisfying the RTI application by next date of hearing along with directions to bring a copy of the same on next date of hearing to present before the Commission. Respondent PIO is also directed to represent this case in person on next date of hearing, failing to which action under section 20(i) of RTI would be initiated against the respondent PIO. The appellant is also advised to represent this case in person or his representative(s), failing to which ex-parte decision may be taken.
4. Matter is adjourned for further hearing on **20.02.2019 at 11:30 A.M.**
5. Announced in the Court, copy of the order to be sent to the parties.

Chandigarh
Date: 23.01.2019

Sd/-
(Dr. Pawan Kumar Singla)
State Information Commissioner

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Sh. Simranjit Singh S/o Sh. Jagdish Singh
93/2, Adarsh Nagar, Jalandhar (98760-76662).

Appellant

Versus

Public Information Officer
O/o MC, Jalandhar

First Appellate Authority
O/o Addl. Commissioner,
MC, Jalandhar.

Respondent

Appeal Case No.: 3101 of 2018

Present: Sh. Simranjit Singh, the appellant present in person.
Sh. Krishan K. Babbar, SDO (98551-10571) present as respondent.

ORDER

1. This order may be read with the reference of previous order dated 18.12.2018.
2. A letter has been received in the Commission vide diary no. 25248 dated 20.12.2018 signed by Superintending Engineer, MC, Jalandhar, addressed to the appellant, mentioning therein that the requisite information is voluminous in nature, which practically cannot be provided. It is further added therein that the appellant may visit their office and inspect the record and also specify the required information so that it may be provided to him after the approval of competent authority. This letter is taken on record.
3. Sh. Krishan K. Babbar, SDO states as mentioned above in point no. 2 of this order.
4. On this, Sh. Simranjit Singh, the appellant states that **information that relates with the repair and maintenance with respect to RTI application from the time period 01 April 2015 to 31 March 2016 & 1 April 2017 to date of filing the RTI application i.e. 1 June 2018 may be provided.**
5. After hearing both the parties and examining the case file, **respondent PIO is directed to supply the specified requisite information and/or written reply to the appellant** (as mentioned above in point no. 4 of this order) satisfying the RTI application by the next date of hearing through registered post and present the copy of receipt of registered post before the Commission on next date of hearing, failing to which action under section 20 (i) would be initiated against the respondent PIO.
6. Both the parties are advised to represent this case on the next date of hearing, failing to which case will be decided on merit basis.
7. Matter is adjourned for further hearing on **06.03.2019 at 11:30 A.M.**
8. Announced in the Court, copy of the order to be sent to the parties.

Chandigarh
Date: 23.01.2019

Sd/-
(Dr. Pawan Kumar Singla)
State Information Commissioner

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Sh. Simranjit Singh S/o Sh. Jagdish Singh
93/2, Adarsh Nagar, Jalandhar (98760-76662).

Appellant

Versus

Public Information Officer
O/o MC, Jalandhar

First Appellate Authority
O/o Addl. Commissioner,
MC, Jalandhar.

Respondent

Appeal Case No.: 3102 of 2018

Date of Institution: 12.09.2018

Date of Decision: 23.01.2019

Present: Sh. Simranjit Singh, the appellant present in person.
Sh. Satish Kumar, Head Draftsman cum ATP (96460-31802) present on the behalf of respondent.

ORDER

1. This order may be read with the reference of previous order dated 18.12.2018.
2. Sh. Satish Kumar, Head Draftsman cum ATP handed over the copy of requisite information to the appellant during the hearing and also submitted the copy of covering letter of it vide ਪੱਤਰ ਨੰ: ਐਸ.ਟੀ.ਪੀ./2712 date 21.01.2019 signed by PIO, STP Department, MC, Jalandhar, covering therein point-wise reply of requisite information. This letter is taken on record.
3. On going through the information supplied, Sh. Simranjit Singh, the appellant states that there are some discrepancies/deficiencies in the information supplied, which he states that he will collect from /clarify with respondent's office and request the Commission to close this case.
4. On the request of appellant and mutual consent of both the parties and also examining the case file, it is found that appellant is satisfied with the supplied information and hence no further action is required in this appeal case and therefore this instant appeal case is **disposed of and closed.**
5. Announced in the Court; copy of the order to be sent to the parties.

Chandigarh
Date: 23.01.2019

Sd/-
(Dr. Pawan Kumar Singla)
State Information Commissioner

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Sh. Simranjit Singh S/o Sh. Jagdish Singh
93/2, Adarsh Nagar, Jalandhar (98760-76662).

Appellant

Versus

Public Information Officer
O/o MC, Jalandhar

First Appellate Authority
O/o Addl. Commissioner,
MC, Jalandhar.

Respondent

Appeal Case No.: 3103 of 2018

Date of Institution: 12.09.2018

Date of Decision: 23.01.2019

Present: Sh. Simranjit Singh, the appellant present in person.
Sh. Satish Kumar, Head Draftsman cum ATP (96460-31802) present on the
behalf of respondent.

ORDER

1. This order may be read with the reference of previous order dated 18.12.2018.
2. Sh. Satish Kumar, Head Draftsman cum ATP states that requisite information has been supplied to the appellant and he is satisfied with it.
3. Sh. Simranjit Singh, the appellant confirms that he is satisfied with the information supplied to him.
4. After hearing both the parties and also examining the case file, it is found that requisite information stands supplied and appellant is satisfied with it and hence no further action is required in this appeal case and therefore this instant appeal case is **disposed of and closed**.
5. Announced in the Court; copy of the order to be sent to the parties.

Chandigarh
Date: 23.01.2019

Sd/-
(Dr. Pawan Kumar Singla)
State Information Commissioner

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Sh. Harish Chander (98146-94986)

(Regd. Post) C/o Goyal Ayurvedic Store,
Chauna Bazar, District Faridkot-151202.
Versus

Appellant

Public Information Officer

(Regd. Post) O/o EO, NC Jaiton, District Faridkot.

First Appellate Authority

(Regd. Post) O/o Deputy Director,
Local Government, Ferozepur.

Respondent

Appeal Case No. 3542 of 2014

Present: Sh. Madan Lal present on the behalf of appellant.
Sh. Rajnish Sood, EO cum PIO (97804-10300), Ms. Poonam Bhatnagar,
(97803-16600) Ex-EO cum PIO (presently posted as EO, MC, Mudki) along
with Advocate Narinder Singh Dadwal present as respondents.

ORDER

1. Sh. Madan Lal the representative of appellant states that information that relates with **point 3 is still pending.**
2. Sh. Rajnish Sood, EO cum PIO states and handed over an affidavit to the appellant during the hearing that no record is available that relates to pint no. 3 of RTI application
3. On this, Sh. Madan Lal the representative of appellant states that the concerned respondent PIO may retrieve copy of agreement or lease from the concerned party with whom the agreement was done or leased out with respect to point no. 3 of RTI application.
4. After hearing both the parties the concerned respondent PIO is directed to file a written reply satisfying the RTI application and/or retrieve information and supply it to the appellant with respect to point no. 3 of this order by the next date of hearing positively.
5. Am email has been received by the bench of undersigned from email id eonpmdk@yahoo.in on 22.01.2019, which is taken on record.
6. Smt. Poonam Bhatnagar, EO, Nagar Council, Jaiton (at the time of filing the RTI application) states and submits a similar written reply/plea in which following observations are taken:
 - a) **Smt. Poonam Bhatnagar was assigned duties as EO, Nagar Council, from 07.11.2013 to 17.12.2014** and she was having additional charge of EO, Nagar Council, Faridkot and Kotkapura in the above mentioned time period.

Due to excess burden of RTI applications in the office, Deputy Director, Local Government Ferozepur, assigned duties to Sh. Naresh Kumar as RTI advisor vide resolution no. 52 dated 21.11.2014.

- b) It is also mentioned in reply/plea that as bulk information was requisite in RTI applications which were not feasible to reply/provide information in one month and she also referenced and attached Circular of Government of Punjab, Directorate of Local Government (9LG-IV Branch) vide letter no. 8/71/05-1LG-416490 dated 11th October 2005.
 - c) After 04.09.2014 till 08.12.2014 Smt. Poonam Bhatnagar, EO, Nagar Council Jaiton (at the time of filing the RTI application) was having additional charge of EO, Nagar Council Jaiton as she was transferred to/assigned duties of EO, Nagar Council, Faridkot. It is also mentioned therein that Smt. Poonam Bhatnagar, EO, Nagar Council, has filed a Civil Writ Petition against **CWP no. 26273 of 2015 in Punjab and Haryana High Court** the Commission's orders dated 06.10.2018 and **Hon'ble Court passed order on 23.12.2015 for stay on recovery** which is already mentioned in previous order dated 25.09.2018.
 - d) It is further added from last 4 years she is not linked to Nagar Council, Jaiton and she was not informed about the penalty of 25000/- imposed on her in this case by the Commission and at that instant, EO, Nagar Council Jaiton, Sh. Narinder Kumar telephonically informed her in this regard on 20.10.2018.
7. With the reference of previous order dated 25.09.2018 following observation/considerations were made:
- a) In order passed by **Hon'ble Judge Sh. Mahesh Grover on 23.12.2015 in CWP no. 26273 of 2015 with Sr. No. 116 (copy on record)** directions were given that the Petitioner (Smt. Poonam Bhatnagar, EO, Nagar Council) was working as PIO cum EO, Nagar Council, Jaiton for a limited period of time only (i.e. only 5 days) at the time of filing RTI application by the appellant dated 14.08.2014 for seeking information, which was received in their office 26.08.2014 and thereafter she returned in December, 2014 to the said post again for nine days.

- b) Penalty of Rs 25000/- was imposed by **Ld. Ex-SIC, Punjab Sh. Chander Prakash** (refer order dated 06.10.2015 on official website www.infocommpunjab.com) on respondent PIO (i.e. **Smt. Poonam Bhatnagar** having charge of PIO of Nagar Council, Jaiton from 01.08.2014 to 04.09.2014 and also having additional charge of PIO of Nagar Council, Jaiton from 04.09.2014 to 17.12.2014) with reference to office letter no. 20 dated 16.05.2018 on record signed by PIO cum EO, Nagar Council, Jaiton at the time of filing RTI application (i.e. 14.08.2014).
- c) As observed earlier in order dated 25.09.2018 where point 5 b) & Point 5 c) has contradictory approach and/or mismatching facts and references and it was justified that the respondent PIO Smt. Poonam Bhatnagar was having charge or additional charge of PIO Nagar Council, Jaiton, from 01.08.2014 to 17.12.2014 which overwrites and quashes the grounds of petition filed by the respondent PIO Smt. Poonam Bhatnagar in Punjab and Haryana High Court and was responsible for delay in providing complete information sought for by the appellant.
- d) Orders were passed by Hon'ble Judge Sh. Rajan Gupta on 12 October 2017 in CWP no. 26273 of 2015 (copy on record) through which matter was remitted to the same authority (i.e. State Information Commission, Punjab) for a fresh decision as prayer for remand was not seriously opposed by learned counsel appearing for respondents (i.e. State Information Commission, Punjab) in the Petition, and hence the case was remitted to the Commission which was received vide dairy no. 24952 dated 02.11.2017 (copy on record) through Deputy Registrar by O/o Advocate General Punjab dated 01.11.2017 and allocated to the bench of undersigned by Hon'ble CIC, Sh. S.S. Channy on 20.11.2017.
8. In the view of above following observations are made:
- a) **Penalty was not imposed by the Bench of Undersigned but instead it was RESTORED by the Bench of Undersigned which was imposed by Ld. Ex-SIC, Punjab Sh. Chander Prakash** (refer order dated 06.10.2015 on official website www.infocommpunjab.com) on concerned respondent PIO (i.e. **Smt. Poonam Bhatnagar** having charge of PIO of Nagar Council, Jaiton at the time of filing RTI application).

b) The dates and time period in point no. 6 of reply/plea filed by Smt. Poonam Bhatnagar EO, Nagar Council, Mudki, referred in email and letter (point no. 5 and point no. 6 of this order respectively) are found to be different. Smt. Poonam Bhatnagar EO, Nagar Council, Mudki, District Faridkot also intimated and requested the bench to consider dates and time period corrected and mentioned in letter submitted by her (as referred in point no. 6 of this order). On this, **Smt. Poonam Bhatnagar** EO, Nagar Council, Mudki is advised to file written submission in this regard to the Commission.

9. A copy of this order be sent to Smt. Poonam Bhatnagar EO, Nagar Council, Mudki.
10. After hearing both the parties and going through the case file, I am of the considered view that an important issue is involved in this case, and hence, **the case file is sent to Deputy Registrar, to place it before the Hon'ble CIC to constitute a Full Bench/Larger Bench in this case to decide this issue.**
11. Announced in the Court; copy of the order to be sent to the parties **through registered post.**

Chandigarh
Dated 23.01.2019

Sd/-
(Dr. Pawan Kumar Singla)
State Information Commissioner

Copy to:

(Regd. Post) Chief Secretary to Govt. of Punjab,
Punjab Civil Secretariat, Sector 1,
Chandigarh.

(Regd. Post) The Principal Secretary to Govt. of Punjab,
Department of Local Govt.
Punjab Civil Secretariat, Sector 9,
Chandigarh.

Smt. Poonam Bhatnagar (PIO)
(Regd. Post) EO, NC Mudki, District Faridkot.

Copy to:

The Deputy Registrar
(Along with Case File)